IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the 29th day of August 2005

Second Criminal Misc. Bail Application No.745/2005

Order on the bail application of the accused

CRIMINAL SIDE

Bablu S/o Tara Chand
R/o village Badhedi Bujurg
P.S. Bhagwanpur
District Haridwar ……. Applicant

Versus

Sate of Uttaranchal …….Opposite Parties

Arising out of case crime No.178 of 2004
U/s 304-B I.P.C.
P.S. Bhagwanpur
District - Haridwar

Hon'ble J. C. S. Rawat, J.

Heard Ms. Jyotsna learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. This is the second bail application. The first bail application was dismissed in default.

The applicant is the husband of the deceased. There is evidence on record that the applicant treated the deceased with cruelty immediately before the death. The death took place on 13/14-12-2004, whereas the marriage was solemnized in the month of June 2003. There is a presumption under section 113-A of the Indian Evidence Act. The body of the deceased was found lying on the bed. It is also in the evidence that the death was caused due to burn injuries resulting from sprinkling the kerosene oil. The applicant-accused absconded from the place of incident immediately after the incident. Considering the facts and circumstances of the case, it is not a fit case for bail.

Therefore, the bail application is rejected.

Dated 29.08.2005 **(J.C.S. Rawat, J.)**

LSR